

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

EUSEBIO HERNANDEZ	§	
v.	§	CIVIL ACTION NO. 5:04cv276
GARY JOHNSON, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON MOTION FOR DEFAULT JUDGMENT

The Plaintiff Eusebio Hernandez, proceeding *pro se*, filed this civil rights lawsuit complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On April 15, 2005, Hernandez filed a motion asking for a default judgment. On September 21, 2005, the Magistrate Judge issued a Report recommending that the motion for default judgment be denied. Hernandez filed objections to the Magistrate Judge's Report on October 4, 2005.

The Court has conducted a careful *de novo* review of the pleadings in this cause, including the motion for default, the report of the Magistrate Judge, and the Plaintiff's objections thereto. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for default judgment (docket no. 14) is hereby
DENIED.

SIGNED this 15th day of March, 2006.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE